IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1470 OF 2007.
IN
SECOND APPEAL NO. 882 OF 2001.

Khadir Gaibi Mangalvede
(since deceased through LRs.)
1(a).Gaibi Khadir Mangalvede
and others. ... Applicants.

Versus.

Saheblal Malik Mangalvede
(since deceased through LRs.)
1(a).Shahapuri Babalal Wantge
and others. ... Respondents.

Shri S.M.Railkar for the Applicants.

Shri Amit Sale for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 19th December, 2007.

P.C.:

1. Heard the Advocates appearing for the parties. In view of the averments made in the Application, the 6th Respondent will have to be impleaded as a party Respondent to the Second Appeal as he appears to have purchased a part of the suit property during the pendency of the Appeal.

2. So far as prayers (b), (d) and (e) are concerned, the same cannot be considered in this Application and the Applicants will have to file appropriate proceedings in that behalf. The injunction in terms of prayer clause (c) was to operate only till disposal of this Application. Now the 6th Respondent is

being made a party to the Second Appeal and therefore, the Applicant will have to take out appropriate application for interim relief as against the Respondent No.6. To enable the Applicant to do so, ad-interim relief granted earlier will continue to operate for a period of six weeks from today.

3. Hence the Application is disposed of by the following order:

i) Prayer (a) is granted. Amendment to be carried out within a period of six weeks from today.

ii) Liberty to take out appropriate proceedings in so far as prayer clauses (b), (d) and (e) are concerned.

iii) Ad-interim relief granted on 4th December 2007 will continue to operate for a period of six weeks from today to enable the Applicant to take out appropriate proceedings.

Judge.